

# HOUSE BILL No. 1504

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-1-8-14; IC 36-2-5-11; IC 36-7-3-4.

**Synopsis:** Three-fourths majority voting. Provides that with respect to an action under the law governing local government that requires a three-fourths vote, the number of votes necessary to satisfy the requirement is the greatest whole number less than the actual arithmetic computation that would result.

**Effective:** July 1, 2001.

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**Ayres, Stevenson, Aguilera, Frenz**

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January 11, 2001, read first time and referred to Committee on Local Government.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1504

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 36-1-8-14 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2001]: **Sec. 14. Whenever this title requires an action to be taken**  
4 **by a three-fourths (3/4) vote, the number of votes necessary to**  
5 **satisfy the requirement is the greatest whole number less than the**  
6 **actual arithmetic computation that would result.**

7       SECTION 2. IC 36-2-5-11 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. (a) At the county  
9 fiscal body's annual meeting under IC 36-2-3-7(b)(2), the county  
10 auditor shall present the budget estimates filed with him under section  
11 9 of this chapter and the ordinances prepared by him under section 10  
12 of this chapter. He may also present his recommendations concerning  
13 the estimates.

14       (b) At its annual meeting under IC 36-2-3-7(b)(2), the county fiscal  
15 body shall fix the county tax rate and make appropriations for the next  
16 calendar year by:

17       (1) adopting the ordinances presented by the county auditor;

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- 1 (2) amending the ordinances presented by the county auditor; or  
 2 (3) substituting other ordinances for those presented by the county  
 3 auditor.

4 Each ordinance must be read on at least two (2) separate days before  
 5 its final adoption. The fiscal body may require the preparer of an  
 6 estimate that is not sufficiently itemized to itemize it in more detail. At  
 7 least a three-fourths (3/4) vote (**as described in IC 36-1-8-14**) of the  
 8 fiscal body is required to make an appropriation for an item not  
 9 contained in an estimate or for a greater amount than that named in an  
 10 item of an estimate.

11 (c) At its annual meeting under IC 36-2-3-7(b)(2), the county fiscal  
 12 body shall consider the statements and recommendations submitted by  
 13 the county executive under section 4(b) of this chapter and shall then  
 14 adopt an ordinance, separate from those adopted under subsection (b),  
 15 fixing:

- 16 (1) the compensation of all officers, deputies and other employees  
 17 subject to this chapter; and  
 18 (2) the number of deputies and other employees for each office,  
 19 department, commission, or agency, except part-time and hourly  
 20 rated employees, whose employment shall be limited only by the  
 21 amount of funds appropriated to pay their compensation.

22 SECTION 3. IC 36-7-3-4 IS AMENDED TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) A municipality that does not  
 24 have a sufficient survey and plat of its corporate territory may, by a  
 25 resolution of its legislative body passed by a two-thirds (2/3) vote,  
 26 order a survey and plat of the municipality. When the survey and plat  
 27 have been made, the legislative body may adopt them by a resolution  
 28 passed by three-fourths (3/4) vote (**as described in IC 36-1-8-14**). If  
 29 a survey and plat of the municipality have already been made, without  
 30 the order of the legislative body, it may adopt them by a resolution  
 31 passed by a three-fourths (3/4) vote.

32 (b) The survey and plat are considered adopted by the municipality  
 33 for all purposes if a certified copy of the resolution adopting the survey  
 34 and plat is:

- 35 (1) signed by the municipal executive and clerk;  
 36 (2) attested by the seal of the municipality; and  
 37 (3) recorded with the survey and plat in the office of the recorder  
 38 of the county in which the municipality is located.

39 The copy of the resolution must include a statement of the names of the  
 40 persons voting for and against it.

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